

CLAUSE I-29 – CONTRACT WORK HOURS AND SAFETY STANDARDS ACT - OVERTIME COMPENSATION  
(August 2002)

- (a) Overtime requirements. No subcontractor or lower-tier subcontractor subcontracting for any or part of the subcontract work which may require or involve the employment of laborers or mechanics (see Federal Acquisition Regulation (FAR) 22.300) shall require or permit any such laborers or mechanics in any workweek in which the individual is employed in such work to work in excess of 40 hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in any workweek.
- (b) Violation, liability for unpaid wages, and liquidated damages. If the event of any violation of the provisions set forth in paragraph (a) of this clause, the Subcontractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, the Subcontractor and his subcontractor shall be liable to the United States (in the case of work done under subcontract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions set forth in paragraph (a) of this clause in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of 40 hours without payment of the overtime wages required by provisions set forth in paragraph (a) of this clause.
- (c) Withholding for unpaid wages and liquidated damages. The Subcontracting Officer shall upon his or her own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Subcontractor or his subcontractor under any such subcontract or any other federal subcontract with the same subcontractor, or any other federally assisted subcontract subject to the Contract Work Hours and Safety Standards Act which is held by the same subcontractor, such sums as may be determined to be necessary to satisfy any liabilities of such subcontractor or his subcontractor for unpaid wages and liquidated damages as provided in the provisions set forth in paragraph (b) of this clause.
- (d) Payrolls and basic records.
  - (1) The Subcontractor or his subcontractor shall maintain payrolls and basic payroll records during the course of subcontract work and shall preserve them for a period of 3 years from the completion of the subcontract for all laborers and mechanics working on the subcontract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Nothing in this paragraph shall require the duplication of records required to be maintained for construction work by Department of Labor regulations at 29 CFR 5.5(a)(3) implementing the Davis-Bacon Act.
  - (2) The records to be maintained under paragraph (d)(1) of this clause shall be made available by the Subcontractor or his subcontractor for inspection, copying, or transcription by authorized representatives of the Subcontracting Officer or Department of Labor. The Subcontractor or lower-tier subcontractor shall permit such representatives to interview employees during working hours on the job.
- (e) Subcontracts. The Subcontractor or his subcontractor shall insert in any subcontracts the provisions set forth in paragraphs (a) through (e) of this clause and also a clause requiring the Subcontractors to include these provisions in any lower-tier subcontracts. The prime subcontractor shall be responsible for compliance by any lower-tier subcontractor with the provisions set forth in paragraphs (a) through (e) of this clause.